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UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

KAREN SULLIVAN, an individual;)	Case No. 2:18-cv-04800-DDP-GJS
DAVID LILLEY, an individual,)	
)	ORDER RE: MOTIONS IN LIMINE
Plaintiff,)	
)	[Dkt. 105-108, 112-114, 116, 127]
v.)	
)	
NUTRIBULLET, L.L.C., a California)	
Limited Liability Corporation; CAPITAL)	
BRANDS, L.L.C., a California Limited)	
Liability Corporation; HOMELAND)	
HOUSEWARES, L.L.C., a California)	
Limited Liability Company; CALL TO)	
ACTION, L.L.C., a California Limited)	
Liability Company; NUTRILIVING,)	
L.L.C., and DOES 1 through 10,)	
inclusive,)	
Defendants.)	

1 Presently before the court are motions in limine filed by Plaintiffs Karen Sullivan
2 and David Lilley ("Plaintiff") and Defendants NutriBullet, LLC, Capital Brands, LLC,
3 Homeland Housewares, LLC, Call To Action, LLC, and NutriLiving, LLC (collectively,
4 "Defendants"). (Dkt. 105-108, 112-114, 116, 127.) Having considered the parties'
5 submissions, the court adopts the following Order:

6
7 Plaintiffs' Motion in Limine #1 (Dkt. 112) is GRANTED, in part, insofar as Plaintiffs are
8 pursuing their design defect claim exclusively under the consumer expectations test. If
9 Plaintiffs pursue or present evidence of the design under the risk-benefit test, nothing in
10 this Order shall prevent Defendants from presenting evidence pertaining to that theory.
11 Defendants may introduce evidence describing in general terms, the components of the
12 product and how they fit and work together. Defendants shall not introduce evidence
13 about the risks or benefits of the design, unless, as noted above, Plaintiffs pursue that
14 theory of liability.

15
16 Plaintiffs' Motion in Limine #2 (Dkt. 113) is GRANTED. Such evidence is irrelevant to
17 Plaintiffs' design defect claim under the consumer expectations test, and shall not be
18 introduced in relation to that claim. Should Plaintiffs pursue their design defect claim
19 under the risk-benefit test, nothing in this Order shall prevent Defendants from
20 presenting such evidence.

21
22 Plaintiffs' Motion in Limine #3 (Dkt. 114) is DENIED.

23
24 Plaintiffs' Motion in Limine #4 (Dkt. 116) is RESERVED for trial.

1 Defendants' Motion in Limine #1 (Dkt. 108) is DENIED. Dr. Brani's testimony shall be
2 limited to the opinions set forth in his initial report. He may not refer to any additional
3 opinions or testing set forth in his untimely supplemental report.

4
5 Defendants' Motion in Limine #2 (Dkt. 105) is GRANTED, in part. Plaintiffs shall not
6 refer to any prior incidents, complaints, or lawsuits involving Defendants' products. The
7 court reserves as to the use of prior incidents for purposes of impeachment. Cooper v.
8 Firestone Tire & Rubber Co., 945 F.2d 1103, 1105 (9th Cir. 1991). Plaintiffs must obtain
9 leave of the court prior to any such use.

10
11 Defendants' Motion in Limine #3 (Dkt. 106) is GRANTED.

12
13 Defendants' (SEALED) Motion in Limine #4 (Dkt. 127) is GRANTED.

14
15 Defendants' Motion in Limine #5 (Dkt. 107) is RESERVED for trial. Should Plaintiffs
16 pursue a punitive damages claim, Defendants shall be permitted to present evidence,
17 including risk-benefit evidence, general product safety data, and other evidence
18 responsive to that claim.

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1 **IT IS SO ORDERED.**

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3 Dated: August 16, 2022

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5 A handwritten signature in cursive script, reading "Dean D. Pregerson". The signature is written in dark ink and is positioned above a horizontal line.

6
7 DEAN D. PREGERSON
8 UNITED STATES DISTRICT JUDGE
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